

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES - GENERAL

Case No. 2:18-cv-09514-DOC (SK)

Date March 21, 2019

Title Maravilla v. Sup. Ct of Cal. County of Los Angeles Child Support Court, et al.

Present: The Honorable Steve Kim, U.S. Magistrate Judge

Connie Chung

n/a

Deputy Clerk

Court Smart / Recorder

Attorneys Present for Petitioner:

None present

Attorneys Present for Respondent:

None present

Proceedings: (IN CHAMBERS) **ORDER TO SHOW CAUSE**

On November 9, 2018, Petitioner filed a petition for writ of habeas corpus under 28 U.S.C. § 2254, challenging his 2014 conviction and sentence for committing a lewd act upon a child. (ECF 1). On January 22, 2019, Respondent moved to dismiss the Petition based on untimeliness and failure to exhaust. (ECF 12). Petitioner's opposition was due on February 21, 2019 (ECF 7 at 2), but none has been filed as of today.

THEREFORE, Petitioner is **ORDERED TO SHOW CAUSE** on or before April 20, 2019 why the Court should not rule on the motion to dismiss without any opposition from Petitioner. Petitioner may discharge this Order by filing a response to the motion to dismiss or voluntarily dismissing his Petition. It remains Petitioner's burden to establish exhaustion and timeliness on any other ground that the Court may not be aware of. *See Stancle v. Clay*, 692 F.3d 948, 953 (9th Cir. 2012).

If Petitioner does not file a timely response to this Order to Show Cause, the Court will take the motion to dismiss under advisement without opposition and may also recommend involuntary dismissal of the Petition for failure to prosecute or obey court orders. See Fed. R. Civ. P 41(b); L.R. 41-1.

If Petitioner no longer wishes to pursue this action, he may voluntarily dismiss the action under Federal Rule of Civil Procedure 41(a) by filing a "Voluntary Notice of Dismissal." The Clerk is directed to provide Petitioner with a Notice of Voluntary Dismissal Form CV009.